

REMARKS/ARGUMENTS

The Office Action of June 2, 2006, rejected Claims 1, 5-24, and 26 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2001/0037312 to Gray et al. (hereinafter "the Gray patent"). In view of the following remarks, Applicants respectfully request reconsideration of the present application and allowance of the amended set of claims.

Rejections Under 35 U.S.C. § 102(e)

Applicants respectfully submit that the Gray patent fails to teach or disclose all of the claim limitations of the rejected claims. Specifically, independent Claim 1 recites (i) receiving at the user equipment control information from a management entity independent of the merchant entity with which a transaction is to be conducted, and (ii) updating transaction means based on the received control information to make it compatible with said merchant entity after a change in the transaction mechanism thereof. Similarly, independent Claim 21 recites (i) that a transaction service entity of a credit card issuer is adapted to generate control information to be transported to the user equipment, and (ii) that the configuration of transaction means in the user equipment can be changed based on the control information transported to the user equipment. Likewise, independent Claim 26 recites a method comprising (i) receiving at the user equipment control information from a management entity of a credit card issuer, and (ii) changing the configuration of the transaction means based on the received control information. Exemplary embodiments of the claimed invention are described, for example, on pages 19 and 20.

The Office Action submits that paragraphs 0010, 0021-0024, 0029, and 0034-0036 of the Gray patent disclose the claimed invention. Nowhere in these or other paragraphs of the Gray patent is there any disclosure or suggestion to provide control information to a user equipment for changing the transaction means of the user equipment based on the received control information. In contrast, the Gray patent describes a wallet server that is an intermediary between the user equipment and the merchant server and is configured to facilitate secure transactions between the user and the merchant.

More particularly, the Gray patent describes that when a user desires to make a purchase from a merchant through a network, the user accesses a wallet server on the network. The user is directed by the wallet server to insert a smart card into the system to verify that the smart card is in the user's possession. Upon receipt of the smart card information from the smart card, the wallet server communicates this information to the transaction authorization entity, such as a credit supplier, in order to authenticate the transaction. Upon obtaining authorization, the wallet server sends an authorization form to the merchant. The merchant then uses the authorization form to again communicate with the authorization entity to authorize and process the transaction. Since the user actually presents the smart card, the card issuer may be able to consider the online transaction as a "card present" transaction. Also, since the intermediary wallet server is the entity that receives and processes the smart card information and uses it to initially authorize the transaction, the merchant does not have to accommodate different types of smart card systems, or other systems, for different credit providers.

There is nothing at all in the Gray patent that teaches or even suggests providing control information to the user equipment for updating or changing the user equipment's transaction means that the user equipment uses to conduct transactions with the merchant, as required by independent Claims 1, 21, and 26. Accordingly, Applicants submit that the Gray patent does not teach or suggest all of the claim limitations of Claims 1, 21, and 26 and that such claims are in a condition for allowance.

In view of the remarks presented above with respect to independent Claims 1, 21, and 26, Applicants submit that pending dependent Claims 5-20 and 22-24, depending from Claims 1 and 21, respectively, are in condition for allowance for the reasons provided with respect to Claims 1 and 21. Applicants submit that the above remarks traverse the § 102(e) rejections of the Office Action.

Conclusion

In view of the remarks presented above, Applicants submit that all of the pending Claims 1, 5-24, and 26 are in condition for allowance. Accordingly, entry of the allowance of the application is respectfully requested. In order to expedite the examination of the present application, the Examiner is encouraged to contact Applicants' undersigned attorney in order to resolve any remaining issues.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper, such as the fees for a request for an extension of time. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



Christopher W. McAvoy
Registration No. 57,055

CUSTOMER NO. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

**ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES
PATENT & TRADEMARK OFFICE ON September 28, 2006.**

LEGAL02/30099058v1